

THE HONORABLE THOMAS T. GLOVER  
Hearing Date: March 10, 2010  
Hearing Time: 9:30 am  
Hearing Location: Marysville  
Response Date: March 3, 2010  
Chapter 13

THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re:

TIMOTHY B. BENDOKAS AND HEIDI  
BENDOKAS,  
  
Debtors.

CASE NO. 09-23427

RESPONSE TO TRUSTEE'S  
OBJECTION TO CONFIRMATION OF  
PLAN AND MOTION TO DISMISS  
CASE

COME NOW the Debtors, Timothy and Heidi Bendokas, by and through their attorney of record, Jeffrey B. Wells, and in response to the Trustee's objection to confirmation of plan and motion to dismiss case, state as follows:

1. Debtors filed an amended Schedule D which includes the PGA West Condo Association and have provided notice to that creditor. Debtors have also filed an amended Schedule E to disclose Riverside County and have provided notice to said creditor.
4. Debtors have filed an objection to secured claim #6 filed by Hertz Equipment Rental. That objection is set for hearing on April 14, 2010.
5. Debtors have provided the trustee with the requested documents, specifically proof of their business income as listed on Schedule I and the business license, insurance, bond, and profit and loss statements for Bendokas Painting Company and, where

1 applicable, Bendokas Associates.

2 6. Debtors have addressed the remainder of the trustee's objections by amending their  
3 Chapter 13 plan. The preferential transfer of \$1,500 to Roger Heiland in September  
4 of 2009 is now reflected in the plan's liquidation value. In addition, all of the  
5 provisions in Section XII of the plan have been deleted as requested. Finally, through  
6 the amended plan Debtors have addressed the Trustee's objection to their retention  
7 of the California condominium.

8 7. Debtors hope to retain the California condo for their retirement in approximately five  
9 years. See attached declaration of Tim Bendokas. To eliminate any prejudice which  
10 may have resulted to creditors because Debtors are retaining the condo, Debtors have  
11 amended their plan to ensure that all of their personal unsecured creditors are paid  
12 in full.

13 8. Several claims have been filed in Debtors' case for debts incurred by the C  
14 corporation, Bendokas Painting Company, rather than by the Debtors. Debtors plan  
15 to object to those claims for which they hold no personal guarantees or liability.  
16 Debtors therefore request that the hearing on the confirmation of their first amended  
17 Chapter 13 plan be extended beyond May 5, 2010, which is the bar date set for the  
18 filing of claims.

19 9. In addition to amending their plan to eliminate any prejudice to creditors as a result  
20 of the retention of the California condo, Debtors plan to rent their condo out as a  
21 vacation rental in order to increase their income and the feasibility of their plan. See  
22 attached declaration of Tim Bendokas.

23 10. Bendokas Painting Company closed at the end of 2009. Tim Bendokas has already  
24 begun undertaking contract painting work, and expects to be fully employed soon,  
25 which will also increase the feasibility of the plan. See attached declaration of Tim  
26 Bendokas. Debtors will update their Schedule I to reflect the new income from the

1 California rental and Tim Bendokas' employment once these arrangements have been  
2 finalized.

3 Wherefore, Debtors having satisfied or will have satisfied the requirements of the Trustee  
4 prior to the hearing, request that the case not be dismissed and that Debtors be allowed to proceed  
5 with their Chapter 13 Plan. In addition, Debtors request that the confirmation hearing on their first  
6 amended plan be continued until after May 5, 2010, to allow for objections to claims for solely  
7 corporate debts to be filed and resolved.

8 DATED this 2<sup>nd</sup> day of March, 2010.

9 Law Offices of Jeffrey B. Wells

10 /s/ Emily A. Jarvis

11 By Emily A. Jarvis, WSBA #41841  
12 Attorney for Debtors  
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